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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 3:25-cv-04737-RL

**PLAINTIFFS' RESPONSE TO ORDER
TO SHOW CAUSE**

Judge: The Honorable Rita F. Lin

1 **I. INTRODUCTION**

2 On June 23, this Court issued a preliminary injunction preventing the National Science
 3 Foundation (NSF) from cutting off funds to two classes of University of California researchers.
 4 NSF did not seek a stay of this Court’s order in the United States Court of Appeals, although the
 5 other defendants did so. In two letters to the Chancellor of UCLA, dated July 30 and August 1,
 6 NSF indefinitely suspended hundreds of millions of dollars of grants to members of both classes
 7 of researchers at the University of California. It has done so without meeting the requirements of
 8 the Administrative Procedure Act (APA) or of the Constitution. An indefinitely suspended grant is
 9 indistinguishable from a terminated grant. The research must stop; labs must close; graduate
 10 students and post-doctoral researchers must find other jobs. Instead of providing individual letters
 11 with reasoned explanation for the basis for each decision—as the APA and this Court’s order
 12 require—NSF sent just two letters and an attachment with a long list of suspended NSF grants.
 13 This *en masse* indefinite suspension of grants is a clear violation of this Court’s preliminary
 14 injunction. Plaintiffs request that this Court enforce its preliminary injunction and order
 15 reinstatement of the grants to all members of both classes protected by its order.

16 **II. THE INDEFINITE SUSPENSION OF GRANTS TO UCLA RESEARCHERS**
 17 **VIOLATES THE COURT’S PRELIMINARY INJUNCTION.**

18 This Court issued a preliminary injunction against NSF (as well as the National
 19 Endowment for the Humanities and the Environmental Protection Agency) to prevent termination
 20 of grants to two designated classes of researchers at the University of California. This Court
 21 explicitly said: “This relief applies on a prospective basis. While this matter remains pending any
 22 future grant terminations by Agency Defendants meeting the above criteria are vacated upon
 23 issuance, and the Agency Defendants are enjoined as to those terminations in the manner stated
 24 above.” Preliminary Injunction at 2-3 (June 23, 2025), Dkt. No. 55.

25 Yet, in the July 30 and August 1 letters, NSF indefinitely froze hundreds of grants to
 26 researchers at UCLA. *See* Pls.’ Letter Br. (Aug. 4, 2025), Dkt. No. 78 (“Letter Br.”). In doing so,
 27 NSF claimed for the first time that the awards were not aligned with current NSF priorities and/or
 28 programmatic goals (*See id.* Ex. 2 (“July 30 Letter”), Dkt. No. 78-3), and accused UCLA of

1 noncompliance with federal statutes and regulations and the terms and conditions of federal
 2 awards, all because UCLA allegedly adhered to “illegal” “affirmative action” policies, failed to do
 3 enough to combat “antisemitism and bias” on campus, and “discriminat[ed]” against women by
 4 allowing the participation of transgender athletes. *See id.* Ex. 3 at 2 (“August 1 Letter”), Dkt. No.
 5 78-4. Hundreds of millions of dollars of grants were indefinitely suspended without a semblance
 6 of due process and without any meaningful consideration of the reliance interests of the UCLA
 7 researchers.

8 Defendants do not dispute that the grants were indefinitely suspended to researchers at
 9 UCLA who are members of the classes certified by this Court. Nor do they deny that NSF was
 10 enjoined by this Court from “any future grant terminations.” Instead, the government argues that
 11 the “Preliminary Injunction should not be extended to cover suspensions.” NSF’s Suppl. Br. at 1:3
 12 (Aug. 7, 2025), Dkt. No. 82 (“NSF’s Suppl. Br.”). But Plaintiffs do not seek to extend this Court’s
 13 preliminary injunction. They just seek to enforce it.

14 The “indefinite suspensions” at issue are indistinguishable from the terminations enjoined
 15 by this Court. *See* Pls.’ Letter Br. at 2. Research must stop, with all of the accompanying
 16 irreparable harms this Court identified in issuing its preliminary injunction. Order at 47-48 (June
 17 23, 2025), Dkt. No. 54 (*Thakur v. Trump*, No. 25-cv-04737-RFL, 2025 WL 1734471 (N.D. Cal.
 18 June 23, 2025) (“Order”). Consider, for example, the public statements of Dr. Terrence Tao, a
 19 UCLA mathematician and Fields Medal recipient. *See* Decl. of D. Silva in Supp. of Resp., filed
 20 herewith, at ¶ 2, Ex. 1 (Jonathan Cohn, *He’s the “Mozart” of Math and Trump Killed His*
 21 *Funding*, thebulwark.com (Aug. 8, 2025)). Dr. Tao’s NSF-funded research has transformed MRIs,
 22 by reducing the amount of time patients spend inside the machines, enabling physicians to
 23 diagnose conditions more accurately, and allowing hospitals to run more efficiently. Dr. Tao has
 24 relied on NSF grants to fund graduate student researchers in his lab and to fund UCLA’s Institute
 25 for Pure and Applied Mathematics. He explains that as a result of the grant suspensions, the
 26 Institute “now only has enough emergency funding for a few months of further operation at best.”
 27 *Id.* As Dr. Tao explains, “[t]he damage on graduate students is more direct.” *Id.*

28 Professor Karen McKinnon, whose grant was likewise indefinitely suspended, has had a

1 similar experience. Professor McKinnon’s work focuses on large-scale climate variability and
 2 change, with a particular emphasis on connections to high-impact weather events. Decl. of K.
 3 McKinnon in Supp. of Resp., filed herewith, at ¶ 4 (“McKinnon Decl.”). She received a
 4 prestigious five-year CAREER grant to study increases in global heat extremes. *Id.* ¶ 5. As a result
 5 of the grant’s indefinite suspension, this important work—which, per NSF, “reflect[ed] NSF’s
 6 statutory mission and has been deemed worthy of support through evaluation using the
 7 Foundation’s intellectual merit and broader impacts review criteria”—cannot continue. *Id.* ¶ 8. One
 8 postdoctoral researcher previously funded by the grant has now been moved to a different project.
 9 *Id.* at ¶ 12. Another postdoctoral researcher expected to join the team was forced to abort her visa
 10 process as a result of the grant suspension and has now accepted work with a different employer.
 11 *Id.* A graduate student is continuing her grant-related research by diverting unrecoverable funds
 12 from another source, which comes at a considerable opportunity cost. *Id.* As Professor McKinnon
 13 explains: “In many ways, there is no meaningful difference between a termination and an
 14 indefinite suspension. Both result in significant disruption and lost opportunities.” *Id.* ¶ 13.

15 Professor Aradhna Tripathi’s grants were also indefinitely suspended. Decl. of A. Tripathi in
 16 Supp. of Resp., filed herewith, at ¶¶ 19-20, 25-26 (“Tripathi Decl.”). Professor Tripathi has received
 17 numerous awards for her work, including NSF’s CAREER award. *Id.* at ¶¶ 4, 7. In 2019, NSF
 18 issued her a notice of award for a project to develop solutions to environmental challenges in the
 19 Southwestern United States, including gathering data on the water issues facing Indigenous
 20 communities. *Id.* at ¶¶ 12-14. In June 2023, NSF also issued her a notice of award for a project to
 21 enhance veteran participation and leadership in STEM fields. *Id.* at ¶¶ 21-22. Both grants were
 22 suspended effective July 31, 2025. *Id.* at ¶¶ 20, 26. As a result, Professor Tripathi’s team has
 23 suffered immediate harm, including an inability to complete research and to support STEM
 24 research performed by veterans. *Id.* at ¶ 27. She has had to spend significant time seeking alternate
 25 funding, and she may need to lay off several members of her research team. *Id.* Further, these
 26 harms are in addition to the loss of value to the public from her research, such as creating
 27 opportunities for veterans in STEM research. *Id.*

28 The reality is that for UCLA researchers, there is no difference between a termination and

1 an indefinite suspension: both can last forever. If NSF’s argument is accepted, the government can
 2 easily circumvent this Court’s preliminary injunction by simply labelling any cutoff of funds as an
 3 “indefinite suspension” and not using the word “termination.” Yet the effect on class members is
 4 essentially identical.

5 The indefinite suspension of grants by NSF to members of the certified class violates this
 6 Court’s order. This Court explained why Plaintiffs are likely to succeed on the merits on their
 7 claim that “*en masse*” termination of grants violates the APA as being arbitrary, capricious, and an
 8 abuse of discretion: “The law requires administrative agencies to provide reasoned explanations
 9 for their decisions, particularly when changing a longstanding practice and abruptly ending years
 10 of planning and work. The form termination letters here appear to be in blatant violation of that
 11 requirement.” Order at 2.

12 The two letters to the Chancellor at UCLA, with an appendix consisting of a large list of
 13 grants that are being indefinitely suspended, constitute an *en masse* action without even an attempt
 14 to offer a reasoned explanation for why a *specific* grant is being terminated. This Court explicitly
 15 pointed to the lack of “individualized review” in explaining that Defendants likely violated the
 16 APA. Order at 28. A letter to the Chancellor with a long list of grant numbers, as here, is the
 17 antithesis of individualized review, and conclusory statements about UCLA’s actions are not
 18 sufficient to meet the requirements for reasoned explanations under the APA and this Court’s
 19 Order. Nor does a bald assertion that reliance interests were “outweighed” by the government’s
 20 interests demonstrate that reliance interests were actually taken into account as the law requires. It
 21 is clear that the Trump administration’s action of indefinitely suspending hundreds of millions of
 22 dollars of grants is to punish UCLA.¹ The purported justifications in the letters are a mere pretext.

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 27 ¹ Dylan Decl. ¶ 3, Ex. 2 (*Trump Wants U.C.L.A. to Pay \$1 Billion to Restore Its Research*
 28 *Funding*, New York Times (August 9, 2025), <https://www.nytimes.com/2025/08/08/us/trump-ucla-research-funding-deal.html>).

1 **III. THE GOVERNMENT’S ARGUMENTS ARE UNPERSUASIVE.**

2 **A. UCLA Researchers Are Members of the Classes Protected by the Court’s**
 3 **Preliminary Injunction.**

4 This Court expressly found that the Plaintiff researchers “satisfy the Rule 23(a)
 5 requirements of numerosity, commonality, typicality, and adequacy, as well as the Rule 23(b)
 6 requirements.” Order at 53. Defendants now argue that the “suspensions cannot be added to the
 7 class definition because commonality, typicality, and adequacy do not support their inclusion.”
 8 NSF’s Suppl. Br. at 2:11-12. But Plaintiffs do not seek to add anything to the class definition.
 9 Defendants point to nothing that has changed as to this Court’s conclusions with regard to
 10 numerosity, commonality, typicality, and adequacy.

11 In fact, *how* NSF has indefinitely suspended the grants to UCLA researchers shows the
 12 fundamental flaw in the government’s argument. NSF has used two generic letters to the UCLA
 13 Chancellor as the basis for terminating hundreds of grants. This, itself, shows that NSF sees
 14 commonality among these grants.

15 Moreover, if the government is correct in its argument that there are differences among the
 16 grant recipients, that is exactly why there must be individual letters to each grant recipient under
 17 the APA explaining the basis for termination—just as this Court held. The commonality is the lack
 18 of individualized reasoned explanation as the APA requires.

19 Plaintiffs are insisting on individualized treatment, as required by the APA and due
 20 process. The uniform and undifferentiated nature of Defendant’s conduct toward the class is
 21 precisely the basis for the typicality of the claims and the commonality of the legal and factual
 22 questions to be answered in adjudicating them.

23 As to the Rule 23 commonality requirement, the Ninth Circuit explained in *Parsons v.*
 24 *Ryan*, 754 F.3d 657, 688 (9th Cir. 2014), that “the text of the rule makes clear, this inquiry asks
 25 only whether ‘the party opposing the class has acted or refused to act on grounds that apply
 26 generally to the class.’” (citation omitted). That, of course, is exactly the situation here: NSF has
 27 indefinitely suspended grants for all of the UCLA researchers who are part of the two classes
 28 certified by this Court. *See also Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013) (affirming

1 class certification and explaining that any differences among the plaintiffs justified individualized
2 determinations, not dismissal of the classes or dissolving the injunction.)

3 **B. As This Court Previously Ruled, the Plaintiffs Have Standing.**

4 This Court explicitly found that Plaintiffs have standing. Order at 41-47. The government,
5 though, repeats its objection to standing and says, “[n]o named plaintiff purports to have a grant
6 suspended by NSF following a determination by the Administration that UCLA engaged in
7 discriminatory practices.” NSF’s Suppl. Br. at 5:3-5.

8 But this confuses the issue of standing with the question of class certification. The named
9 Plaintiffs include individuals whose grants were terminated by NSF in violation of the APA and
10 the First Amendment. The named Plaintiffs were found by this Court to have suffered an injury
11 caused by Defendants and likely to be redressed by a favorable court decision. Order at 41-47. The
12 Plaintiffs have been deemed class representatives for all University of California researchers who
13 are in the two classes certified by this Court. That satisfied the requirements for Article III
14 standing. There is not a requirement for standing that a named plaintiff be a UCLA researcher who
15 has a grant terminated or indefinitely suspended by NSF. There are thousands of members of the
16 classes; it cannot be that the NSF can terminate grants to those who are not named plaintiffs. That
17 belies the whole purpose of a class action suit.

18 The government says that “named plaintiffs also lack standing to assert UCLA’s rights.”
19 NSF’s Suppl. Br. at 6:12. But Plaintiffs are not doing so. They are simply seeking to protect
20 members of the two certified classes: researchers whose grants have been cut off in violation of
21 the APA and the First Amendment.

22 **C. This Court Has Jurisdiction.**

23 The government argues that the “filing of a notice of appeal generally divests the district
24 court of jurisdiction over the matters appealed.” NSF’s Suppl. Br. at 6:20-21. It should be noted
25 here that the government did not seek a stay of this Court’s orders against the NSF. But more
26 importantly, the government is simply wrong as to the law. A district court may enforce its
27 preliminary injunction while an appeal is pending. In *A&M Records, Inc. v. Napster, Inc.*, 284
28 F.3d 1091, 1098-99 (9th Cir. 2002), for example, the Ninth Circuit affirmed the terms and

1 enforcement of a modified preliminary injunction pending appeal, explaining that “Federal Rule of
 2 Civil Procedure 62(c) . . . authorizes a district court to continue supervising compliance with the
 3 injunction.” *Id.* at 1099 (citations omitted) (citing Fed. R. Civ. P. 62(c): “When an appeal is taken
 4 from an interlocutory or final judgment granting, dissolving, or denying an injunction, the
 5 [district] court in its discretion may suspend, modify, restore, or grant an injunction during the
 6 pendency of the appeal . . . as it considers proper for the security of the rights of the adverse
 7 party.”); *see also id.* (“The district court properly exercised its power under Rule 62(c) to continue
 8 supervision of Napster’s compliance with the injunction.”).

9 **IV. EVEN IF NSF IS NOT TECHNICALLY IN VIOLATION OF THE INJUNCTION**
 10 **ORDER, THE PRELIMINARY INJUNCTION SHOULD BE MODIFIED TO**
 11 **ENJOIN THE INDEFINITE SUSPENSIONS OF GRANTS.**

12 While Plaintiffs maintain that no modification of the injunction order is necessary, this
 13 Court has the inherent authority and discretion to modify or clarify the scope of its Preliminary
 14 Injunction. *See A&M Recs., Inc.*, 284 F.3d at 1098 (“A district court has inherent authority to
 15 modify a preliminary injunction in consideration of new facts.”). To the extent the Court deems
 16 any modification necessary, the Court may do so in light of the significant public interests and
 17 irreparable harms caused by NSF’s conduct. This is fully consistent with the Court’s objectives to
 18 (1) prevent the Agency Defendants from ceasing funding by way of notices that neither provide
 19 *grant-specific* explanations, nor meaningfully consider the reliance interests at stake; and (2) stop
 20 the Agency Defendants from leveraging their funding power to penalize disfavored viewpoints.
 21 *Inst. of Cetacean Rsch. v. Sea Shepherd Conservation Soc’y*, 774 F.3d 935, 949 (9th Cir. 2014)
 (holding it is proper to consider the objective of the preliminary injunction).

22 **V. CONCLUSION**

23 NSF’s indefinite grant suspensions are *de facto* terminations that violate the plain language
 24 and clear purpose of the Preliminary Injunction. Plaintiffs respectfully request that the Court
 25 enforce the Preliminary Injunction, order that NSF restore the grants to UCLA researchers, and
 26 enjoin NSF from suspending the UCLA grants at issue during the pendency of this litigation.

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